

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56488 of 2023

Arising Out of PS. Case No.-547 Year-2022 Thana- NAUBATPUR District- Patna

NALIN KUMAR Son of Nand Kishore Sharma Resident of Village-Fatehpur,
P.S.-Naubatpur, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union of India through the Narcotic Control Bureau. Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Kumar Amitesh Chandra, Advocate
Mr. Amitanshu, Advocate
For the Opposite Party/s : Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 30-08-2023 Heard the learned counsel for the petitioner and the
State.

2. The petitioner seeks bail, apprehending his arrest,
in connection with Special (NDPS) Case No. 159(A) of 2022
arising out of Naubatpur P.S. Case No. 547 of 2022, registered
for the offences punishable under Sections 8(1) and 21(B)(C) of
the NDPS Act.

3. As per allegation, total 19 gram of smack has been
recovered from the arrested co-accused.

4. The learned counsel for the petitioner submits that
the petitioner is innocent and has falsely been implicated in this
case only on the basis of suspicion. He further submits that the
name of the petitioner has transpired in the confessional



statement of arrested co-accused without any corroboration.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier for anticipatory bail in this case.

6. It has further been stated that the petitioner has no criminal antecedent.

7. However, the learned APP for the State has opposed the prayer for bail.

8. Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court, in connection with Special (NDPS) Case No. 159(A) of 2022 arising out of Naubatpur P.S. Case No. 547 of 2022, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has concealed criminal antecedent, the learned court below shall cancel the bail bond of the petitioner



after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

9. The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

Amrendra/-

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